



REISSUE PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 2965.906US03

Pratt et al.

Confirmation No.: 7515

Application No.: 10/722,168

Filed: November 25, 2003

Group Art Unit: 3753

For: DOUBLE DIAPHRAGM PRECISION THROTTLING VALVE

REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY

As an inventor named below, I hereby declare that:

1. My residence, mailing address, and citizenship are correctly stated below next to my name.
2. I believe that I am an original, first, and joint inventor of the subject matter that is described and claimed in the above-identified patent, U.S. Patent No. 6,321,776, issued November 27, 2001, for which a reissue patent is sought on the invention and entitled DOUBLE DIAPHRAGM PRECISION THROTTLING VALVE, the specification of which is attached hereto as Exhibit A.
3. I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by the Preliminary Amendment attached hereto as Exhibit B.
4. I acknowledge a duty to disclose information that is material to the patentability of the invention, as defined in 37 C.F.R. 1.56.
5. I believe that the original patent is wholly or partly inoperative or invalid by reason that the patentees claimed less than the patentees had the right to claim in the patent and by reason of a defective specification or drawing.
6. At least one error has been identified upon which the application for reissue is based, the identified errors including:
 - A. In the single independent claim contained in the patent, means-plus-function limitations were used to recite the drive and operator elements of the claim. The legal scope of these means-plus-function limitations is limited by statute to the specific embodiments disclosed in the

specification and structural equivalents thereof. The disclosed invention, however, does not require any specific drive or operator structure. Hence, the claims of the patent are unduly narrow, thereby rendering the patent partly inoperative in covering the full scope of the disclosed invention.

- B. In dependent claim 5, the term "the housing" lacks antecedent basis. Such lack of antecedent basis may render claim 5 indefinite under 35 U.S.C. § 112.
7. All errors corrected in this reissue application arose without any deceptive intention on the part of the applicants or the assignee.
8. I hereby appoint the practitioners associated with **Customer Number 24113** to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith
9. Address all telephone calls to: Bradley J. Thorson at telephone number (612) 349-5740.

Address all correspondence to:

Customer No. 24113
Bradley J. Thorson
Patterson, Thunte, Skaar & Christensen, P.A.
4800 IDS Center, 80 South 8th Street
Minneapolis, MN 55402

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon or any patent to which this declaration is directed.

Inventor:

William Michael Kolarik

William Michael Kolarik August 2, 2006
Inventor's signature Date

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Inventor:

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Inventor's signature

Aug 12, 2006

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